



State of Arizona
Department of Education

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MEMORANDUM

TO: Sponsors of the National School Lunch Program

FROM: Mary Szafranski, Deputy Associate Superintendent
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DATE: December 28, 2012

SUBJECT: Food and Nutrition Services (FNS) Guidance to School Food Authorities: Flexibility in the Meat/Meat Alternate and Grain Maximums for School Year 2012-2013

Original Signed

Memorandum CN# 24-13 is revised to include Questions and Answers (Q&As) that provide clarifications to questions the United States Department of Agriculture (USDA) have received from State agencies and School Food Authorities (SFAs). In addition, the instructions that accompany the FNS-developed Certification Tool have been updated to reflect the provisions of this memo.

Introduction

In January 2012, at the direction of the Healthy Hunger-Free Kids Act passed by Congress, the U.S. Department of Agriculture (USDA) published a final rule to promote the health of America's school children. The rule established new, science-based nutrition standards for the National School Lunch and School Breakfast Programs.¹ These standards are based on the recommendations of doctors, nutritionists, and other experts, and are designed to ensure that taxpayer-funded school meals reinforce the efforts of parents who are trying to instill their children with healthy eating habits and lifestyles in the face of the nation's growing child obesity epidemic.

The new standards identify the healthy ranges for five categories of food--fruits, vegetables, grains, meat or meat alternatives, and fluid milk--as well as the healthy ranges for total calories, saturated and trans fat, and sodium. For the grains and the meat/meat alternates components there are science-based, age-appropriate daily minimum quantities, as well as weekly minimum and maximum quantities for total calories. SFAs that comply with the new standards are eligible for

¹ The rule became effective on July 1, 2012. 77 FR4 4088.



reimbursement for school meals, including an additional 6 cents per lunch performance-based reimbursement that became available on October 1, 2012.

On April 27, 2012, FNS published the interim rule entitled *Certification of Compliance with Meal Pattern Requirements for the National School Lunch Program under the Healthy, Hunger-Free Kids Act of 2010* (77 FR 25024) (<http://www.gpo.gov/fdsys/pkg/FR-2012-04-27/pdf/2012-10229.pdf>). In support of this interim rule, FNS developed the Certification Tool and Instructions released in May 2012 (CN# 04-13, <http://www.azed.gov/health-nutrition/files/2012/08/cn-04-13.pdf>). The instructions offer technical guidance to the Arizona Department of Education (ADE) and SFAs about how to assess their compliance with the new standards when certifying SFA eligibility for the 6 cent performance-based reimbursement. Several approaches were considered for measuring compliance with the weekly ranges for the grains and meats/meat alternates components for schools and SFAs. FNS opted to measure, for each day of the week-long menu, the reimbursable meal offered with the smallest grain or meat/meat alternate quantity (*i.e.*, the minimum), and the reimbursable meal offered with the largest grain or meat/meat alternate quantity (*i.e.*, the maximum). The weekly minimum and weekly maximum offerings available to students are determined by summing respectively, the daily minimums and daily maximum quantities.

During this initial period of implementation, FNS sought feedback from state agencies and SFAs on the new requirements. As a result, state agencies and SFA partners have identified significant operational challenges in meeting the requirements for the grains and meats/meat alternates components, particularly for SFAs with schools with multiple menu offerings and multiple serving lines during meal service. Those challenges, and the way in which FNS will help the ADE and SFAs address them, are discussed below.

Operational Challenges Relating to Grains

Grains are unique among the components of the new school lunch standards in that they may be served in a variety of ways. For example, grains may be served as part of the entrée such as a sandwich or pasta, as a side dish such as rice or a roll, or both. Grains may also be served occasionally (up to 2 oz/eq. per week) as a dessert (e.g. fruit cobbler). Since the grain component can be served in this variety, school menu planners have a challenge when deciding to serve different portion sizes for the various meals on a given day. We understand that in practice it may be difficult for SFAs to offer meals with relatively larger grain items (e.g., 3 oz/eq.) on the same day as meals with smaller grain items (e.g., 1 oz/eq.), and stay within the weekly ranges. Some SFAs report that they have been forced to standardize their grain serving sizes to achieve compliance. This has limited menu planners' flexibility and in some cases has unintentionally prevented offering popular items such as sandwiches on a daily basis. In addition, some SFAs have reported that at present, popular grain products such as rolls and bread may not be readily available from suppliers in the wide range of serving sizes needed to meet the grain range weekly requirements, thus exacerbating planning challenges. Finally, the variation in the maximum grain limit by grade groups has contributed further challenges for SFAs that need to accommodate schools serving multiple grade groups.

Operational challenges relating to Meat/Meat Alternates

FNS have also been advised that some SFAs have found it difficult to offer meals with meat/meat alternate items in a range of sizes (e.g., 3 oz/eq. and 1 oz/eq. on the same day), and stay within the weekly ranges. As a result, some SFAs have limited service of popular food items such as hamburgers and bone-in chicken breasts. Additionally, as with grains, SFAs have reported that some of the meat/meat alternate products used frequently are not yet available from suppliers in a useful range of sizes. FNS previously addressed this issue, noting that SFAs may have current inventories or products on order, including USDA Foods meats/meat alternate products that do not easily fit within the weekly ranges. (ADE memorandum CN# 07-13, *Existing Inventory of USDA Foods and Commercial Products*, <http://www.azed.gov/health-nutrition/files/2012/08/cn-07-13-existing-inventory-of-usda-foods-and-commercial-products.pdf>) At that time, FNS recognized the continued challenges of preparing and offering such products while remaining within the new requirements this school year.

FNS Offers Additional Flexibility to Assess Compliance with Weekly Ranges

To help address these operational challenges, FNS is offering additional flexibility in menu planning for School Year (SY) 2012-13. There is no change in the method of measuring the required daily minimum quantities for grains or meats/meat alternates. To review how to measure the required daily minimum, refer to memo CN# 14-13, *Child Nutrition Reauthorization 2010: Questions and Answers Related to the Certification of Compliance with Meal Requirements for the National School Lunch Program (2nd Revision)*, specifically under section: Multiple Offerings, <http://www.azed.gov/health-nutrition/files/2012/08/cn-14-13-child-nutrition-reauthorization-qa-on-final-rule-nutrition-standards-nslp-and-sbp-3rd-r.pdf>. Given the complexity of calculating the grains and meat/meat alternates components, and to allow for more time for suppliers to more widely offer a broader array of serving options, the ADE will consider any SFA compliant with the component requirements for grains and meat/meat alternates if the menu is compliant with the daily and weekly minimums for these two components, regardless of whether they have exceeded the maximums for the same components.

In addition, the ADE will also take this flexible approach in assessing compliance with the grains and meat/meat alternates weekly ranges when conducting validation reviews. The ADE will not reconsider or recertify any SFAs already certified as eligible to receive the 6 cent reimbursement based on previous guidance, as the previously certified menus would fit within this additional flexibility approach to assessment.

FNS has updated the instructions that accompany the FNS-developed Certification Tool to reflect this additional flexible approach to assessment. These files can be accessed through the ADE website: <http://www.azed.gov/health-nutrition/nslp/menu-certification/>. FNS will also update the Certification Questions and Answers (CN# 03-13, <http://www.azed.gov/health-nutrition/files/2012/08/cn-03-13.pdf>) and other documents as appropriate.

We understand that this is a year of transition. The flexibility in the assessment approach reflected in this memorandum will facilitate implementation in SY 2012-13. FNS will continue to monitor implementation data and feedback from SFAs and the ADE to determine whether the appropriate

approach is being used to measure compliance, and whether other adjustments beyond the current school year prove necessary.

Please contact your School Nutrition Programs Specialist at the ADE with questions concerning this guidance. Your specialist can be found at the top of your Sponsor Application on CNP Web Common Logon.

Questions and Answers

Q1. What is the purpose of offering this flexibility for the remainder of this school year?

As a part of USDAs ongoing implementation plan, the USA has been listening to parents, schools, state agencies and other interested parties. USDA always anticipated that some modifications and other allowances would be required for changes of this size and scope. USDA asked for valuable feedback, which states and schools have provided. The top operational challenge that states and schools have reported is in serving meals that fit within the weekly minimum and maximum serving ranges for the grains and meat/meat alternates portions of the standards.

By providing this additional flexibility to our state and local partners, USDA hopes to ease some of the operational challenges so that more schools can reach their implementation goals. This flexibility allows more time for the development and identification of products that fit with the new standards, while granting schools additional weekly menu planning options for SY 2012-13 and helping students adjust to any different items being offered.

Q2. How do these new flexibilities affect SFAs that have not yet applied for 6 cents certification?

SFAs that have not applied for certification may submit certification documentation with the grains and meat/meat alternates that exceed the weekly maximum requirements for these components and may still be certified to receive the 6 cents reimbursement.

Q3. How do these flexibilities affect SFAs that were previously denied certification solely because they exceeded the weekly maximum requirements for grains and/or meat/meat alternates?

SFAs that are in this situation are encouraged to contact their School Nutrition Programs Specialist. Your specialist can be found at the top of your Sponsor Application on CNP Web Common Logon.

Q4. Do SFAs that have already been certified to receive the 6 cents reimbursement need to re-apply for certification?

No, SFAs that have already been certified to receive the 6 cents reimbursement do not need to re-apply for certification. Similarly, SFAs that have already submitted certification applications (but have not yet been certified) do not need to re-submit certification materials. The ADE will apply these new flexibilities when making certification determinations for these applications.

Q5. How do the new flexibilities for grains and meat/meat alternates affect validation reviews?

The ADE will continue validation reviews as they had before FNS issued these new flexibilities, keeping in mind that SFAs may be over the weekly maximum requirements for grains and meat/meat alternates and still be validated.

Q6. Will the new flexibilities have any effect on the USDA Certification Menu Worksheet or Simplified Nutrient Assessment?

The USDA Certification Menu Worksheet and the Simplified Nutrient Assessment will not be changed. The instructions for the worksheet, however, have been updated to reflect the SY 2012-13 flexibility for certification.

The USDA Menu Worksheet and Simplified Nutrient Assessment reflect the requirements of the meal pattern, which remain in place. SFAs that elect to use the grains and meat/meat alternate flexibility in SY 2012-13 will notice that the menu worksheet will show that weekly maximum limits are exceeded. The worksheet may still be submitted for certification and the ADE will not consider the weekly maximums when making a certification determination.

As described in the worksheet instructions, it is highly recommended that SFAs make a note that they are using this flexibility in the “SFA Notes Section” when submitting for certification. All other requirements in the worksheet and the nutrient assessment *must* be met in order for an SFA to be certified.

Q7. How does this affect commercially-available software approved as alternatives to the USDA Tool for 6 cents certification?

Like the USDA Menu Worksheet, no changes will be made to the commercially-available software approved for use in 6 cents certification. SFAs may submit certification documentation using any of these approved software programs and the ADE will not consider the weekly maximums for grains and meat/meat alternates when making a certification determination. Additionally, while software companies are encouraged to edit their software instructions to reflect the SY 2012-13 flexibility (consistent with the USDA’s recent instruction edits), there is no requirement to do so.

Q8. Can already-certified SFAs add additional grains and/or meat/meat alternates to their menus?

SFAs that are already certified have the option to adjust menus to add more grains and/or meat/meat alternates without re-submitting certification documentation. However, it is important for menu planners to keep in mind that adding additional foods to menus submitted for certification will increase calories and possibly saturated fat. Therefore, they should be careful to ensure that any adjustments to menus continue to meet the weekly dietary specifications.

Over the course of the 2012-2013 School Year, all SFAs should be moving toward meals that are consistent with the meal pattern limits by gradually incorporating the changes needed to meet the grains and meat/meat alternates weekly maximum requirements.

Q9. The flexibility memo (CN# 25-13) does not mention breakfast. Does this flexibility also apply to the breakfast meal pattern for SY 2012-13?

The flexibility on the grains and meat/meat alternate weekly maximums is for SY 2012-13, when no changes have gone into effect for breakfast yet. Therefore, since there are no maximums in SY 2012-13 in the current breakfast meal pattern, this flexibility is not necessary in breakfast.

Q10. Does the flexibility apply to those who have chosen to implement the new breakfast meal pattern early?

Yes. The ADE will apply the flexibilities in memo CN# 25-13 for the grains component to early implementers of the new breakfast requirements. Since there is no required meat/meat alternate component in the new breakfast meal pattern, there is no weekly maximum for meat/meat alternates and the flexibility in CN# 25-13 for that component is not relevant.

Q11. Will FNS be offering this flexibility beyond the current school year?

These actions are by no means exhaustive. Implementation is a process that takes time, and as the school year progresses FNS will continue listening and providing education, technical assistance, and flexibilities where appropriate. FNS understands that this is a year of transition. The flexibility in the assessment approach reflected in this memorandum will facilitate implementation in SY 2012-13. FNS will continue to monitor implementation data and feedback from SFAs and state agencies to determine whether the appropriate approach is being used to measure compliance, and whether other adjustments beyond the current school year prove necessary.

Q12. Does this flexibility extend to the weekly calorie maximums or other aspects of the new standards?

The additional flexibility in this memo applies to the weekly minimum and maximum serving ranges for the grains and meat/meat alternates portions of the standards. Fortunately, there are a number of options currently available to deal with potential additional challenges, such as feeding very active students. Parents, individual students and/or sports teams can supplement the taxpayer-subsidized meals with items provided from home or other sources. Schools can also make larger portions of fruits and vegetables (or even milk) available at lunch and structure afterschool snack and supper programs to provide additional foods for those who need them. Many schools have found success with parent or school-run booster clubs providing afterschool snacks and may opt to continue or even expand this practice.

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